

**Dear Arbitrator:**

Thank you for your service in the arbitration program. The following question and answer check list and information may help you. If you have any questions, comments or suggestions please call **(602) 506-3850** or e-mail us at **Arbitration@superiorcourt.maricopa.gov**

### **QUESTIONS AND ANSWERS**

**Q. WHAT DO I DO FIRST?**

**A.** Check the court website by logging on to (**www.superiorcourt.maricopa.gov**) for case information. (Procedures are included in the basic information section of this packet.) If you do not have a conflict, schedule an arbitration hearing. Please try to complete the hearing within the next 60 days or so. The outside limit is 120 days.

**Q. WHY SHOULD THE HEARING BE DONE SO SOON?**

**A.** Consistent with the need to minimize delay in litigation, Rule 38.1 of the Uniform Rules of Practice requires a Motion to Set within 270 days after the action was filed.<sup>1</sup> After the arbitration hearing, time consuming procedures are required before your award is final. (See Rule 75 Arizona Rules of Civil Procedure.) If a party wants to appeal, there may be some discovery that needs to be done before the appeal can be set for trial. Everything needs to be completed before the 270-day period has run.

**Q. WHERE CAN THE HEARINGS BE HELD?**

**A** Arizona Bar Center - (call (602) 340-7239)  
Arbitrator's Private Office

**Q. WHAT DO I DO IF I RECEIVE MOTIONS?**

**A.** Motions are properly sent to the arbitrator throughout the pendency of arbitration. You can, and should, rule on them except:

Motions/Stipulations to Consolidate Cases under rule 42

Motions/Stipulations to Continue on Inactive calendar under rule 38.1

Motions/Stipulations for a Judgment of Dismissal

Motions to withdraw as attorney of Record under Rule 5.1

Motions for Summary Judgment that if granted, would dispose of the entire case as to any party

These Motions/Stipulations should be forwarded to the assigned Trial Judge.

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<sup>1</sup> Complex and unusual cases can be handled under rule 16 ARCP, but that rule is not designed for arbitration cases and should be used very rarely, if at all, in arbitration.

Your rulings on motions will be final unless the case is appealed.

B. Discovery Motions-The arbitrator may hear discovery motions. In considering such motions the arbitrator shall consider that the purpose of arbitration is to provide for the efficient and inexpensive handling of small claims. If an arbitrator makes a ruling requiring disclosure of matters that a party claims is privileged or confidential, a party may appeal within 10 days of the ruling to the assigned judge for a de novo review.

Q. WHAT DO I DO AFTER THE HEARING?

A. Within ten days after completing the hearing you must: (1) file your Notice of Decision (sample on page 11 of this packet) with the Clerk of the Court and, (2) mail or deliver copies of the Notice of Decision to all parties or their counsel. Within ten days of filing the Notice of Decision the prevailing party must submit the following to you:

(1) A proposed form of Arbitration Award

(2) A verified statement of costs and an affidavit for attorneys' fees, if fees are recoverable. Parties and counsel have five days after receipt to file objections. Within ten days of receipt of objections, the arbitrator shall pass upon the objections, sign, and file the award with the Clerk of the Court and mail or deliver copies to all parties or their counsel. NOTE: the arbitration is not formally ended until an "**Award**" is filed. Please be sure the word "proposed" does not appear on the original award. The clerk's office will not file a "proposed" award even if you sign it.

Q. WHAT DO I DO WITH EXHIBITS?

A. Return them to the parties at the end of the hearing or after the award has been filed.

Q. HOW CAN AN ARBITRATOR SET A HEARING IF LESS THAN ALL OF THE DEFENDANTS HAVE ANSWERED?

A. If an assigned arbitrator determines that less than all parties have answered, and wishes to set a hearing within 120 days, the arbitrator may set a telephonic scheduling conference with all parties served to date. The arbitrator may order the plaintiff or counsel to immediately notify all parties who have been served, of the date and time of the scheduling conference.

Q. WHAT SHOULD AN ARBITRATOR DO IF A DEFAULT HAS BEEN ENTERED AGAINST A DEFENDANT?

A. If a default has been entered against a named defendant, the arbitrator loses jurisdiction over the defaulted defendant only, and the case against that defendant should be referred to the assigned judge for all default proceedings.

### **BASIC INFORMATION FOR ARBITRATORS**

1. When the arbitrator has a conflict of interest or needs to be removed from the list of arbitrators for a specific period of time or permanently as specified in the Arizona Rules of Court

Submit a letter to the Arbitration Department, Superior Court of Arizona, Maricopa County, 201 W. Jefferson St., 4<sup>th</sup> floor, Phoenix, AZ, 85003, citing the rule and making a clear statement of the facts that fit the rule. Please include the case number and caption in your letter and mail copies of the letter to all parties,

PLEASE REMEMBER... you are still the arbitrator in the case until you have received a minute entry from Superior Court saying that you are excused.

2. General Procedures

2.1 Review the Arizona Rules of Civil Procedure, section IX Compulsory Arbitration

2.2 Once the hearing date is determined, prepare a Notice of Hearing (sample -included on page 10 of this packet)

**Then e-file with Supreme Court at: [www.azturbocourt.gov](http://www.azturbocourt.gov)**

**When you are e-filing as the Arbitrator please check the box that states “I have been appointed by the court as Special Master or Arbitrator “ so, the filing fee of \$6.00 will not be charged to you.**

2.3 If an interpreter is needed for any party or witness. Please contact the Arbitration Department (602-506-3850) at least 3 weeks prior to the hearing date to request an interpreter. Please keep in mind, if you do not request an interpreter at least 3 weeks prior to the hearing, an interpreter may not be available for the hearing.

3. Continuances

3.1 If necessary, you may extend the time for hearing for “good cause”. (Please refer to the “Extension of Time for Hearing” section for guidance)

3.2 If a bankruptcy is filed during the arbitration process, please prepare and file a "Bankruptcy Notice" indicating the bankruptcy number, referring the case back to the assigned judge.

4. To Access the court file

Attorneys appointed as arbitrators may now get remote access to court documents through the Electronic Court Record Online (ECR Online) by emailing a copy of the Appointment of Arbitrator to the eFile e-mail address:

[efilesupport@cosc.maricopa.gov](mailto:efilesupport@cosc.maricopa.gov) or fax to 602-372-8751

In the e-mail or fax, request to add the case to the arbitrator's "My Cases" list on ECR Online. Include the case number and arbitrators name as well as preferred contact number incase Clerks staff need to follow up.

If you have any questions, please call 602-506-3360

5. How to Get Paid.

Rule 76 (f) authorizes compensation to arbitrators for time spent in hearing and if an Award or final disposition is filed.

**If an arbitrator chooses to donate their payment, complete the "Invoice in Support of Warrant Request. This form can also be found on the State Bar web page.**

<http://www.maricopabar.org/associations/8668/files/Foundation%20-%20warrantForm%20-%20Arbitration.pdf>

For "Payable To" option

Complete the "Invoice in Support of Warrant Request" and

Go on line to complete the "Vendor Registration" with the Department of Finance

County Finance is now handling Vendor Registration.

All existent vendors need to re-register through Department of Finance web site located at:

[http:// www.maricopa.gov/Finance/Forms/VendorRegistrationForm.aspx](http://www.maricopa.gov/Finance/Forms/VendorRegistrationForm.aspx)  
or <http://www.mariocopa.gov/Finance/Vendors.aspx>

When you get to the web site you will need to

- Scroll down the page and on the left hand side will be "vendors" double click and the screen will change
- At the drop down box "select appropriate from" please pick "vendor registration form".
- From here you can begin your vendor registration

After the registration approval, the vendor will receive an automated e-mail confirmation

with the new registration code starting with 2011.....

For any changes, the vendor must submit a change form on the web located at:  
<http://www.maricopa.gov/Finance/Forms/VendorInformationChangeRequest.aspx>.

**Please direct questions regarding the Vendor-registration and W-9 to County Finance at: 602-506-6529**

Send the **"Invoice in Support of Request for Warrant"** to the **Arbitration Department** address listed on the request.

Please include the following information:

1. Day(s) spent in hearing
2. Case Number
3. Invoice Number
4. Amount due \$75 X day(s) in hearing
5. Original Signature.

**IMPORTANT:**

County Finance **will not** issue checks if a vendor registration number has not been assigned. Requests are processed weekly; however, county reimbursement must be approved at several levels. Please contact **County Finance** at **602-506-6529** if you do not receive payment in a timely manner.

## Other Helpful Links

Clerk of the Court: [www.clerkofcourt.maricopa.gov/](http://www.clerkofcourt.maricopa.gov/)

Attorney Address change: [www.clerkofcourt.maricopa.gov/forms.asp](http://www.clerkofcourt.maricopa.gov/forms.asp)

Arizona State Bar: [www.azbar.org](http://www.azbar.org)

Superior Court Law Library: [www.superiorcourt.maricopa.gov/lawlibrary/index.asp](http://www.superiorcourt.maricopa.gov/lawlibrary/index.asp)

County Finance:  
(For vendor registration) <https://www.maricopa.gov/Finance/Vendors.aspx>

Invoice in Support of Request for Warrant:

[www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/docs/warrantForm.pdf](http://www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/docs/warrantForm.pdf)

OR

<http://www.maricopabar.org/associations/8668/files/Foundation%20-%20warrantForm%20-%20Arbitration.pdf>

**On-line Vendor Registration at Maricopa County is available Now!** On November 22, 2004, Maricopa County changed its vendor registration process. **Paper forms are no longer accepted.** Vendor registrations will only be accepted through the active website <http://www.maricopa.gov/Finance/Vendors.aspx>. The new process will give you full control over your organizational information. Please be advised however, that you are now directly responsible for the presence and accuracy of your company's information.

Vendors currently registered in our system who have changes to their information or have not registered online must establish a new account via web site link. County Finance will no longer post changes to existing vendor records. Please use the following link for changes. <http://www.maricopa.gov/Finance/Forms/VendorInformationChangeRequest.aspx>.

**Procurement Vendors:** Be sure to select those commodity codes that best represent the commodities and or service provided by your organization. No procurement registrants may ignore the commodity portion.

Registration is **FREE**. You may use any computer with web access for registration, record updating, and maintenance.

If you have any questions, call us at 602-506-6529.

Certificate Of Compulsory Arbitration – eForms on Demand

<http://clerkofcourt.maricopa.gov/faxondemand/CATALOG.htm>

## EXTENSIONS OF TIME FOR HEARING

Delays in arbitration have been a significant problem. You may receive a request to extend time to hold the hearing. As arbitrator, for good cause, you may shorten or extend time (ARCP 74(b)). You are encouraged to grant a brief extension only if good cause is shown through a timely formal pleading. If you grant an extension, a formal written, signed order should be forwarded to the Arbitration Department. Remember: a Motion to Set is required within 270 days of the date of filing. Please refer all Motions to Continue on Inactive Calendar and motions to consolidate cases to the assigned judge.

Some examples of what should be considered in determining good cause are:

- 1) Whether the underlying circumstances were foreseeable or due to lack of preparation;
- 2) Whether the parties are proceeding with due diligence;
- 3) The complexity of the case;
- 4) The novelty of the issues;
- 5) Prejudice to another party; and
- 6) The need to dispose of actions or set them for trial in accordance with the fast track time limits - Motions to Set are required within 270 days of the filing of the action. (See Rule 38.1 ARCP)

Some examples of what do not amount to good cause are:

- 1) Stipulations that are not supported by factual bases;
- 2) Motions grounded on pending settlement negotiations; and
- 3) Motions grounded on failure to serve a defendant where due diligence in trying to serve has not been shown.

As arbitrator, you are acting as a judicial officer for this case. Any continuance pursuant to ARCP 74(b) should not unduly delay proper preparation for final disposition. If good cause has been shown justifying a continuance of the arbitration hearing, you should continue a hearing only for the length of time necessary to prepare for the hearing.

The Arizona Rules of Civil Procedure require filing of a Disclosure Statement. Rule 72(a) Arizona Rules of Civil Procedure (ARCP), provides that the Rules of Civil Procedure apply.

Thank you for your continued service. Your efforts are greatly appreciated.

## Where to File Arbitration Documents

E-file with the Supreme Court: [www.azturbocourt.gov](http://www.azturbocourt.gov)

### OATHS AND AFFIRMATIONS

#### WITNESS

You (and each of you) do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

#### AFFIRMATIONS

Occasionally a person prefers not to take an oath and will ask to be affirmed.

WITNESS AFFIRMATION (Do not raise hand)

**YOU DO AFFIRM** that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, **THIS YOU DO UNDER THE PAINS AND PENALTIES OF PERJURY?**

Following are some **SAMPLES** you may find useful



Arbitrator:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_ Bar # \_\_\_\_\_

Dear Counsel:

On \_\_\_\_\_, I was appointed by the court to serve as arbitrator in this case. To expedite matters, please do the following:

1. Provide me with a stipulated series of dates on which the arbitration hearing could be held. None of those dates should be later than allowed by the Arbitration Rules. Please remember that the action can be dismissed under Rule 38.1, Arizona Rules of Civil Procedure if the arbitration is not timely completed.
2. Please read the Arizona Rules of Civil Procedure, Section IX and pay special attention to the provision concerning witnesses and Documentary evidence. Witnesses should be held to a minimum. Documentary evidence should be received on stipulation whenever possible. In addition, please try to stipulate on all undisputed facts, limitation of issues and other matters as appropriate.
3. Please provide me with copies of all exhibits at least two business days before the hearing. I will try to read the exhibits before the hearing. Also, at least two business days before the hearing, I would appreciate brief memoranda (no more than five pages per side) outlining your positions in the arbitration.
4. Most arbitration hearings can be completed in two hours with each side taking no more than an hour. If you require more time than that, please let me know as quickly as possible.
5. Once the hearing has been scheduled, and if an interpreter is needed for any party or witness. Please contact the Arbitration Department (602-506-3850) at least 3 weeks prior to the hearing date to request an interpreter. Please keep in mind, if you do not request an interpreter at least 3 weeks prior to the hearing, an interpreter may not be available for the hearing.

Thank you for your courtesy and cooperation.

Sincerely,

Revised May 31, 2012

Arbitrator:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Bar # \_\_\_\_\_

SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

	)	
	)	
	)	
Plaintiff,	)	CV
	)	
vs.	)	NOTICE OF ARBITRATION HEARING
	)	
	)	
	)	<b>ATTENTION: If an interpreter is needed for</b>
	)	<b>any party or witness. Please contact the</b>
	)	<b>Arbitration Department at (602-506-3850) at</b>
Defendant,	)	<b>least 3 weeks prior to the hearing date to</b>
	)	<b>request an interpreter. Please keep in mind, if</b>
	)	<b>you do not request an interpreter at least 3</b>
	)	<b>weeks prior to the hearing, an interpreter may</b>
_____	)	<b>not be available for the hearing.</b>

The arbitration hearing in this matter is set for the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ at \_\_\_\_ o'clock (a.m./p.m.). The hearing is to be held at the following location:

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Arbitrator

**E-file with the Supreme Court:**

[www.azturbocourt.gov](http://www.azturbocourt.gov)

Copies mailed this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ to:

1. Plaintiff(s)
2. Defendant(s)

Arbitrator:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Bar # \_\_\_\_\_

SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

	)	
	)	
Plaintiff,	)	CV
	)	
vs.	)	NOTICE OF DECISION
	)	OF ARBITRATOR
	)	
	)	
Defendant,	)	
	)	
_____	)	

As Arbitrator for this cause I find in favor of \_\_\_\_\_, in the amount of \_\_\_\_\_.

I find that \_\_\_\_\_ is the prevailing party. \_\_\_\_\_ The prevailing party shall submit to me a proposed form of award, an affidavit in support of attorneys' fees, if attorney fees are recoverable, and a verified statement of costs. Copies shall be served by mail or delivered to all parties within 10 days from the date of this notice.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Arbitrator

**E-file with the Supreme Court:**

[www.azturbocourt.gov](http://www.azturbocourt.gov)

Copies mailed this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ to:

1. Plaintiff(s)
2. Defendant(s)

Pursuant to Rule 74(f) of the Rules of Court the Award Settlement dismissal form has been removed from this page/packet.

**Rule 74(f) Settlement of Cases Assigned to Arbitration.**

If the parties to a case assigned to arbitration settle, they shall file with the **court** an appropriate stipulation and order for dismissal and shall mail a copy to the arbitrator. Upon entry of the order the arbitration is terminated.

Arbitrator:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Bar # \_\_\_\_\_

SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

	)	
	)	
	)	
Plaintiff,	)	CV
	)	
vs.	)	WAIVER OF RIGHT TO APPEAL
	)	ARBITRATION AWARD
	)	
	)	
	)	
Defendant,	)	
	)	
_____	)	

Pursuant to Rule 77(e), Arizona Rules of Civil Procedure, the parties stipulate that the award entered by the Arbitrator shall be binding upon the parties.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

**E-file with the Supreme Court:**

[www.azturbocourt.gov](http://www.azturbocourt.gov)

Copies mailed this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ to:

1. Plaintiff(s)
2. Defendant(s)